

From: [Otero, Camille V.](#)
To: [Sylvia Simson](#)
Cc: [Hatfield, William S.](#); [Andrew J. Rossman](#); [Jonathan Oblak](#); [Yacovone, Krista](#)
Subject: Re: Your clients' production of its 104(e) documents to EPA
Date: Thursday, February 23, 2017 7:50:46 PM

Sylvia: I have not mischaracterized anything. You know our position and so does EPA. This could have been resolved many months ago but you refused to do so. So here we are.

If we receive an acceptable agreement from you before cob tomorrow, then the matter is resolved. If not, we will obtain the documents from EPA.

Thank you.

Camille

Sent from my iPhone

On Feb 23, 2017, at 7:08 PM, Sylvia Simson <sylviasimson@quinnemanuel.com> wrote:

Camille,

You have grossly mischaracterized the record and our prior conversations. As I mentioned on our last call, we have no issue with producing these documents, which concern both G-I and ISP, to ISP directly. As Krista is also aware, the concern was and always has been that these documents are confidential in nature and needed to be designated as such during production to the EPA. Put differently, they are confidential "as to the world" and could not be produced without a confidentiality designation or they would be available to anyone pursuant to a FOIA request. Both ISP and G-I are undisputedly bound by their confidentiality requirements and neither party should be proceeding in such a fashion so as to undermine those obligations to third parties. And as I noted yesterday, we are drafting an agreement for our clients to execute that should take care of this issue, with production to follow. We assume your production will follow in short order as well.

With respect to your allegations as to non-cooperation with you, we are not sure what you are referring to given the above. But if it relates to responding to the 104(e) request our client received in the first instance, G-I's response directly to the EPA was entirely appropriate. Our client has and will remain dedicated to cooperating with the EPA in connection with any of its inquiries, and as reflected in the above agreement are willing to work with ISP to facilitate an efficient resolution of the present issue.

As we stated below, and have stated on numerous occasions in the past, there is no need to unduly burden the EPA in connection with such requests. I have kept Krista copied on this email only because you insisted on involving her in what should have been a rather simple production agreement without the acrimony you are seeking to interject.

We look forward to finalizing this agreement such that Krista can close out your pending FOIA case.

Thank you.

Sylvia Simson

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From: Otero, Camille V. [<mailto:COtero@gibbonslaw.com>]

Sent: Thursday, February 23, 2017 10:15 AM

To: Sylvia Simson <sylviasimson@quinnemanuel.com>

Cc: Hatfield, William S. <WHatfield@gibbonslaw.com>; Andrew J. Rossman
<andrewrossman@quinnemanuel.com>; Jonathan Oblak
<jonoblak@quinnemanuel.com>; yacovone.krista@epa.gov

Subject: Re: Your clients' production of its 104(e) documents to EPA

Sylvia:

We understand what you told us but experience has taught us that what you say and ultimately do are two different things. We will not put our clients through a month or so of fruitless negotiations over a simple agreement and numerous meet and confers to try to obtain documents to which we are already entitled. That being said, if we can reach an agreement by cob tomorrow that includes an acceptable date certain for production of documents, then there will be no need to burden EPA with this matter. However, if we do not have an agreement by cob tomorrow we will advise the Agency and request that EPA respond to our FOIA request and provide us with the documents we requested.

To be clear, this matter could have been avoided had your clients agreed to cooperate with our clients as we requested in the first instance. Your failure and refusal to cooperate and provide us with the documents to which we are entitled is the sole reason that the Agency is now in the middle of this issue. Any further burden placed on EPA stems from these acts and is in no way the fault of the Ashland Parties.

I have copied Krista on this email so that there is no misunderstanding as to what has transpired with respect to this matter.

Thank you.

Camille

Sent from my iPhone

On Feb 22, 2017, at 8:09 PM, Sylvia Simson <sylviasimson@quinnemanuel.com> wrote:

Camille, as we have already told you that we are willing to come to an

agreement, it is unclear to us why you continue to suggest that there is any need to unduly burden the EPA. We'll get you a draft agreement soon. Thanks.

Sylvia Simson

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From: Otero, Camille V. [<mailto:COtero@gibbonslaw.com>]

Sent: Wednesday, February 22, 2017 6:24 PM

To: Sylvia Simson <sylviasimson@quinnemanuel.com>

Cc: Hatfield, William S. <WHatfield@gibbonslaw.com>; Andrew J. Rossman <andrewrossman@quinnemanuel.com>; Jonathan Oblak <jonoblak@quinnemanuel.com>

Subject: Re: Your clients' production of its 104(e) documents to EPA

Sylvia: thank you for the below response. We have been waiting for such a proposed agreement since we last spoke. Please provide us with a proposed agreement by cob tomorrow so we may review it with our client and provide comments if necessary. If we are unable to reach a resolution of this matter by cob on Friday, we will contact EPA and request that the Agency respond to our FOIA request and produce the documents we requested.

Thank you,
Camille

Sent from my iPhone

On Feb 22, 2017, at 5:07 PM, Sylvia Simson
<sylviasimson@quinnemanuel.com> wrote:

Camille, we already told you that we are willing to come to an agreement with you on this topic. As we previously discussed, our client is amenable to the production of such documents in the Delaware litigation, pursuant to the protective order issued by the Court in that case, provided that (1) the Ashland Parties similarly produce documents provided to the EPA in connection with any 104(e) request

and (2) retract their demand for such materials from the EPA such that the EPA can close your pending FOIA request. We are also willing to come to an agreement regarding all parties' use of and reference to their respective productions in conversations with the EPA regarding the LCP Site, provided that none of these confidential documents are disclosed to or reproduced to any other third party without express consent given the confidentiality provisions contained therein. If we are in agreement as to the terms, we will draft a short agreement to this effect for our clients' execution and can then advise Krista she can close out her case. Our document production will follow in short order and we expect that the Ashland Parties' productions will as well. Thank you.

Sylvia Simson

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From: Otero, Camille V. [<mailto:COtero@gibbonslaw.com>]

Sent: Tuesday, February 21, 2017 12:38 PM

To: Sylvia Simson <sylviasimson@quinnemanuel.com>

Cc: Hatfield, William S. <WHatfield@gibbonslaw.com>

Subject: Your clients' production of its 104(e) documents to EPA

Sylvia:

When can we expect production of these documents?

If we do not have agreement on production by Friday, February 24, 2017, we will call EPA and request the immediate production of these documents from the Agency.

Thank you.

Camille

Camille V. Otero

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